

Apache County – Crooked Nail Trail Planning Meeting
October 13, 2016 Town of Eagar Town Hall 1 pm to 3 pm

MEETING NOTES

Attendees: Devin Brown, Jeremiah Loyd, Ben Dugdale, Ron Sheperd, Mel Schweigert, Debra Seeley, Dave Swietanski, Adam Milnor

Notes

- Devin Brown, new Community Development Director for Apache County, joined the group for the first time
- Crooked Nail Trail Alignment
 - Selecting an alignment is the current focus; needed to initiate the grant process and complete the Intergovernmental Agreement
 - Old St Johns Highway
 - Becker Lake follow up – more specific discussions on staging possibilities (Nancy H. not available to attend)
 - Follow up with Grovers Hill Irrigation Company (Paul not available; Devin agreed to take on communication with the company)
 - The easement is used for maintenance of the ditch, need to determine whether the easement use could be expanded to allow recreational use
 - Liability issues – who would be liable for accidents?
 - Arizona recreational use statute provides protection for claims against private and public property owners – see below for text
 - Need to get legal confirmation (Devin)
 - What is the width/condition of the route along the canal?
 - There are salt cedars that would need to be dealt with
 - Using it would help with maintenance
 - There may be upcoming improvement project
 - Would likely be used by non-motorized users near St Johns
 - Specific connection to St Johns not determined yet → it was agreed that if the irrigation canal is not an option the overall route is not viable
 - Connectivity of Old St Johns Highway route
 - Would allow for future connections to Maverick Trail, Green Peak in the future
 - Eastern Most Route
 - Ron and Carl scouted this route - follows an existing road the entire way, but crosses private property in 4 places
 - Scenic, with diverse terrain
 - Trail bypasses could be constructed around private or BLM property (estimated 6.5 miles of new construction if all bypasses were needed)
 - Legal status of the road?
 - Crosses State Trust Land
 - The county is not maintaining it
 - No known easement exists for the roadway
 - Follow up: Contact AZ State Land Department

- Pick three different spots and ask ASLD (Jeremiah)
 - Engineering department could pull up record of survey (Dave S. can determine whether plat maps exist)
 - Concern that this route doesn't allow for much connection into the towns
- River Route
 - The group had renewed interest in the river route based on its upsides – scenery, proximity to towns, ability to use rest stop for staging
 - Also a reminder that the area is rich in cultural resources and archeological sites, which provides additional challenges and survey costs – need close coordination with State Parks, State Trust, etc on cultural resources
 - Hooper Ranch – Debra contacted them, generally okay with recreational use
 - Did mention that cattle guards used on some trails should be wider, minus dirt subsurface
 - Wilbank gate
 - Privately owned gate that exits road to Springerville generating station, that the landowner has requested to be kept locked in the past
 - “Secret passage”
 - Existing route to the top of the mesa, but no easement – could be maintained or upgraded as part of project
 - River Springs Ranch
 - Need to contact homeowners association and track down a copy of the CC&R's (Devin), determine flexibility
 - Alternative would be to connect this route to 6040
 - Options to head east and connect to route along railroad instead of heading north through River Springs Ranch (Ben to confirm)
 - Could have spur trail over to Lyman Lake viewpoints

General route discussion – the river route is the most appealing if all of the issues could be addressed; easternmost route is easiest but more remote and least attractive in some ways; Old St Johns Highway route depends on irrigation canal

- Public outreach, engagement of elected officials
 - Will hold off on broader outreach until the alignment gets closer
- Intergovernmental Agreement
 - Currently in Apache County offices
 - Jeremiah is going to take it to Eagar counsel as well
- *Next Step/Follow up Items*
 - Discuss easement issues and possibilities with legal, Grovers Hill Irrigation Company (Devin)
 - Follow up on Wilbank gate (Debra)
 - River route – evaluate alternatives to get off 4162 (Ben)
 - River Springs Ranch access policies (Devin)
 - Contact State Land Department re easement on eastern route; steps for obtaining right of way (Jeremiah)
 - Scout Connection on top of mesa between River and Central route (Ben)
 - County engineering will pull records on Eastern Most Route (Dave)

Adam will start pulling together a work plan that outlines the upcoming phases of the project

- Alignment selection/public review
- Layout
- Cultural resource clearance
- Staging area location and design
- Signage and user information
- Gates and other needed infrastructure
- Construction

Next meeting: Thursday, November 10th 1pm to 3 pm

Phase 1: Trail Alignment Considerations

Brainstormed at the 9/7/16 planning meeting

+ /Seek Out	- / Minimize or Avoid
Lower degree of difficulty – builds momentum and allows for a chance to work together	Private property owners
Scenic and varied terrain	New crossing of the Little Colorado River – need for 404 permit
Good staging areas - ideally close to Springerville/Eager but not necessary at first	Lots of new trail construction and disturbance
Allows for equestrian access	Sensitive cultural resources and sites not suitable for public viewing
Opportunities for spur trails or loops	Tucson Electric Power secure area
Can be used in segments with multiple access points	Sensitive wildlife habitats or other natural features
Highly visible for residents and tourists, requires minimal wayfinding	Minimize impact to ranching and business operations
Uses existing roads, public easements or facilities	Locations that don't allow for good sightlines, leading to user conflict
Educational and interpretive opportunities	

Arizona Recreational Use Statute

CHAPTER 12. LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION

ARTICLE 1. GENERAL PROVISIONS

§ 33-1551. Duty of owner, lessee or occupant of premises to recreational or educational users; liability; definitions

A. A public or private owner, easement holder, lessee or occupant of premises is not liable to a recreational or educational user except upon a showing that the owner, easement holder, lessee or occupant was guilty of wilful, malicious or grossly negligent conduct which was a direct cause of the injury to the recreational or educational user.

B. This section does not limit the liability which otherwise exists for maintaining an attractive nuisance, except with respect to dams, channels, canals and lateral ditches used for flood control, agricultural, industrial, metallurgical or municipal purposes.

C. As used in this section:

1. "Educational user" means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to enter upon premises to participate in an educational program, including but not limited to, the viewing of historical, natural, archaeological or scientific sights. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section.

2. "Grossly negligent" means a knowing or reckless indifference to the health and safety of others.

3. "Premises" means agricultural, range, open space, park, flood control, mining, forest or railroad lands, and any other similar lands, wherever located, which are available to a recreational or educational user, including, but not limited to, paved or unpaved multi-use trails and special purpose roads or trails not open to automotive use by the public and any building, improvement, fixture, water conveyance system, body of water, channel, canal or lateral, road, trail or structure on such lands.

4. "Recreational user" means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to travel across or to enter upon premises to hunt, fish, trap, camp, hike, ride, exercise, swim or engage in similar pursuits. The purchase of a state hunting, trapping or fishing license is not the payment of an admission fee or any other consideration as provided in this section. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section.